Appl. No. 10/808,260
Amdt. dated August 21, 2008
Reply to Office Action of April 25, 2008

PATENT

REMARKS/ARGUMENTS

Claims 1-6 and 8-21 are currently pending. Applicants have amended claims 1 and 19-21. Applicants submit that no new matter has been added to the application as a result of these amendments.

Claims 1-6 and 8-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,882,517 to Dotan (hereinafter "Dotan") in view of U.S. Patent No. 5,123,045 to Ostrovsky, et al. (hereinafter "Ostrovsky").

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1-6 and 8-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dotan in view of Ostrovsky.

Solely in order to expedite prosecution, Applicants have amended independent claims 1 and 19-21, and Applicants submit that even if Dotan and Ostrovsky could be combined as suggested in the Office Action, the combination fails to disclose or suggest all of the features recited in claims 1 and 19-21. For example, claim 1 recites in part:

> comparing the stored representation of the configuration data obtained at the first time with a representation of the configuration data associated with the operating system for the computer system obtained at a second time, *wherein the operating system is actively operating at the second time*; and
> if deviation is detected between the stored representation of the configuration data obtained at the first time and the representation of the configuration data obtained at the second time, automatically performing at least one remedial measure in response to the deviation detected, *wherein the operating system continues to operate after the at least one remedial measure is performed*

Applicants submit that the combination of Dotan and Ostrovsky fails to disclose or suggest at least these features of claim 1.

Applicant submit that Dotan fails to teach at least "comparing the stored representation of the configuration data obtained at the first time with a representation of the configuration data associated with the operating system for the computer system obtained at a

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second time, wherein the operating system is actively operating at the second time" and that "the operating system continues to operate after the at least one remedial measure is performed" as recited in claim 1. According to the teachings of Dotan, only the initial state of a program and the final state of the program are compared to determine whether an executable program has been infected by computer virus. See Dotan, Fig. 3 & 4. The "final state" of the program is determined either: (1) at the time that execution of the program is completed or (2) at the time that the program is loaded into memory and the program is about to commence execution. See Dotan, col. 7, lines 11-19. Once the initial and final states of the program are determined, a comparison between the initial and final states of the program is made to determine whether the two program states match. If the initial and final states of the program do not match, an alarm signal is generated to alert a user that that program has been modified by a virus and the program may be restored to an initial state. See Dotan, Fig. 4, steps 60, 64, and 66. Thus, in the event that the initial and final states of the program do not match in Dotan, the system responds by generating an alarm that alerts a user that the program may be infected by a virus before shutting down the program.

In contrast, according to the method recited in claim 1 of the present application, the operating system continues to actively operate *after* the completion of the at least one remedial measure. Therefore, the present application advantageously monitors the operating system and reacts to / recovers from threats to the operating system without having to halt the operation of the operating system. In Dotan, if a threat is detected, the program is merely halted, and the program code may optionally be reloaded into memory. Ostrovsky fails to remedy the deficiencies of Dotan.

For at least the reasons provided, the combination of Dotan and Ostrovsky fails to disclose or suggest all of the features recited in claim 1. Claims 19-21 should be allowable for similar reasons as claim 1. Furthermore, dependent claims 2-6 and 8-18 should also be in condition for allowance at least due to their dependence from claim 1.

Accordingly, withdrawal of the rejection of claims 1-6 and 8-21 under 35 U.S.C. §103(a) is respectfully requested.

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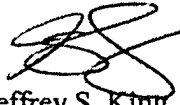Amdt. dated August 21, 2008
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

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